

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA

3:23-cr-00189-SI

v.

INFORMATION

**PURE ADDICTION DIESEL
PERFORMANCE, LLC, and
TRAVIS TURNER,**

**18 U.S.C. § 3
42 U.S.C. § 7413(c)(2)(C)**

Defendants.

THE UNITED STATES ATTORNEY CHARGES:

FACTUAL AND LEGAL BACKGROUND

1. PURE ADDICTION DIESEL PERFORMANCE, LLC (PURE ADDICTION) operates a diesel repair shop located in Hillsboro, Oregon. It is an Oregon-based company, formed in March 2013. TRAVIS TURNER (TURNER) is the sole member of the company.

Regulatory and Statutory Overview

2. The Clean Air Act protects the nation's air quality by, among other things, reducing vehicle emissions that pollute the air with pollutants such as nitrogen oxides, particulate matter, non-methane hydrocarbons, and carbon monoxide. These pollutants have been shown to cause cancer, as well as lung, neurological, cardiovascular, and immune system damage. Diesel exhaust is one of the largest sources of particulate matter and other pollutants.

3. The Clean Air Act directs the United States Environmental Protection Agency (EPA) to issue regulations limiting the amount of pollutants that motor vehicles, including diesel vehicles, can emit. To meet these standards, diesel vehicle and engine manufacturers have developed a variety of emissions control equipment, including devices known as selective catalytic reduction systems (SCRs), diesel particulate filters (DPFs), and exhaust gas recirculation systems (EGRs). Together, these hardware emissions control devices, along with others, make up a diesel vehicle's emissions control system and are critical to ensuring that the vehicle complies with the Clean Air Act's emissions standards.

4. EPA regulations also require vehicle and engine manufacturers to install on their vehicles and engines monitoring devices known as on-board diagnostic systems (OBDs). The OBD is a computer-based system that monitors the operation of both the engine and emission control components. The OBD is composed of software and sensors that monitor emissions-related engine systems and components. The OBD system operates within a vehicle's electronic control module (ECM) which is essentially an on-board computer that receives inputs from the various sensors and sends outputs through activators to control engine, vehicle, or equipment functions, including emission control components.

5. The OBD alerts the driver if any of the vehicle's emissions control equipment has malfunctioned, is disconnected, or has been removed. When this occurs, the OBD will record a diagnostic trouble code (DTC) in the vehicle's computer and a malfunction indicator light (MIL) or "check engine light" will illuminate on the vehicle's dashboard. The MIL will remain illuminated unless or until the malfunction is remedied. In some situations, if the malfunction is not addressed, the OBD can force the vehicle's engine into a state known as "limp mode," which limits the maximum speed of the vehicle to as low as five miles per hour, incentivizing the driver

to repair the malfunction. The OBD, along with the MIL and DTC, facilitate the detection and diagnosis of the malfunction, and tampering with these functions serves to conceal the removal or modification of the emissions control system.

Emissions System “Deletes” and “Tunes”

6. Persons seeking to evade the Clean Air Act’s pollution controls have developed methods of modifying or removing emissions control systems and rendering the OBDs inaccurate. These modifications are often marketed to diesel vehicle owners as improving the horsepower, torque, maintenance, and other characteristics of diesel engines. However, these unlawful modifications result in a significant increase in multiple pollutants being emitted by each vehicle.

7. One method of disabling a manufacturer-installed emissions control system is to remove the portion of the vehicle’s exhaust system that contains the emissions control equipment and replace it with a section of exhaust tubing known as a “straight pipe” or “race pipe.” These replacement pipes do not contain emissions control hardware. The act of removing or disabling a vehicle’s emissions control system is often referred to as a “delete.” Such a “delete” can increase particulate matter (PM) by a factor of approximately 40 times, nitrogen oxides (NOx) by a factor of approximately 310 times, carbon monoxide (CO) by a factor of approximately 120 times, and non-methane hydrocarbons (NMHC) by a factor of approximately 1,100 times.

8. If a vehicle is deleted, the sensors contained in those deleted emissions control components are also removed or disconnected. A properly functioning OBD will detect the malfunction or removal of the emissions control equipment and, in certain instances, cause the vehicle to go into limp mode. Therefore, in order to prevent a diesel vehicle from detecting that the emissions controls have been removed or disabled, the individuals performing a delete must

also modify the OBD by reprogramming it and preventing the OBD from detecting the malfunction or removal. The act of modifying the OBD in this way is often referred to as “tuning” or “flashing.”

Factual Overview

9. Starting in at least 2018 and continuing through 2020, PURE ADDICTION performed “deletes and tunes” of customers’ diesel trucks. During that time, PURE ADDICTION deleted and tuned approximately 245 diesel vehicles for its customers in violation of the Clean Air Act. Depending on the vehicle, the replacement parts for the emissions controls and the type of tunes requested for the vehicle, PURE ADDICTION charged its customers approximately \$2,000 for the parts and labor to remove emissions control systems and render inaccurate the vehicles’ OBDs. In total, PURE ADDICTION collected over \$400,000 for performing unlawful deletes and tunes on 245 diesel vehicles between 2018 and 2020.

10. TURNER, as the owner of PURE ADDICTION, took actions to assist PURE ADDICTION in order to hinder or prevent its apprehension for the crime of Clean Air Act Tampering. TURNER issued, maintained, and subsequently provided to the EPA in response to its request for information sales invoices that included inaccurate or incomplete information about PURE ADDICTION’s activity in tuning and deleting vehicles. Specifically, some invoices reflected “parts only” transactions when, in fact, some transactions included additional service work that violated the Clean Air Act tampering provision.

COUNT 1 **(Clean Air Act Tampering)** **(42 U.S.C. § 7413(c)(2)(C))**

11. From at least in or about January 2018 and continuing until in or about June 2020, within the District of Oregon, the defendant, PURE ADDICTION, did knowingly falsify, tamper

with, render inaccurate, and fail to install, monitoring devices and methods required to be maintained under the Clean Air Act, that is, after removing or altering the emissions control equipment on approximately 245 diesel trucks, PURE ADDICTION modified the on-board diagnostic (OBD) system on the trucks to prevent the OBD from detecting the removal of such control equipment.

In violation of Title 42, United States Code, Section 7413(c)(2)(C).

COUNT 2
(Accessory After the Fact to Clean Air Act Tampering)
(18 U.S.C. § 3)

12. On or about July 21, 2021, within the District of Oregon, the defendant, TURNER, knowing that an offense against the United States, Clean Air Act Tampering, 42 U.S.C. § 7413(c)(2)(C), had been committed, assisted the offender, PURE ADDICTION, in order to hinder or prevent its apprehension, trial or punishment, to wit, in a response to an information request from the EPA, TURNER provided 46 invoices falsely indicating that PURE ADDICTION had sold only parts when, in fact, PURE ADDICTION had performed additional service work in violation of United States Code, Section 7413(c)(2)(C).

In violation of Title 18, United States Code, Section 3.

Dated: June 1, 2023

Respectfully submitted,

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/s/ Ryan Wesley Bounds

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